Office Supreme Court, U. S.
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Supreme Court of the United States

OCTOBER TERM, 1952

No. 11, Orig.

THE STATE OF MISSISSIPPI, *Complainant*,

v.

THE STATE OF LOUISIANA

ANSWER TO RULE TO SHOW CAUSE WHY LEAVE TO FILE BILL OF COMPLAINT SHOULD NOT BE GRANTED

ROBERT F. KENNON,
Governor of the State of Louisiana

FRED S. LEBLANC,
Attorney General of the State of Louisiana

W. C. PERRAULT,
First Assistant Attorney General, State of Louisiana

CARROLL BUCK,
Second Assistant Attorney General, State of Louisiana

JOHN L. MADDEN,
Assistant Attorney General, State of Louisiana

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States of America:

Now comes the State of Louisiana, through Robert F. Kennon and Fred S. LeBlanc, Governor and Attorney General, respectively, of said state, and also represented herein by the within named Assistant Attorneys General of the state aforesaid, and in compliance with the rule to show cause herein, issued by this Honorable Court on the fourteenth day of April, A.D., 1953, the State of Louisiana answers the motion of the State of Mississippi for leave to file bill of complaint against the State of Louisiana, as follows, to-wit:

(1)

The State of Louisiana denies that an actual controversy of a justiciable nature exists between the State of Mississippi and the State of Louisiana as to a portion of the boundary between them, and in that respect alleges:

(a) The State of Louisiana and its taxing subdivisions have levied taxes against the property comprising the area

aforesaid, all to the knowledge of and without complaint from the State of Mississippi, and which exercise of taxation is, in effect, declared to be a fact in paragraph (9) of the contemplated bill of complaint;

(b) The State of Louisiana has asserted general jurisdiction in said area, all to the knowledge of and without complaint from the State of Mississippi;

(c) At no time prior to the filing of motion herein for leave to file bill of complaint, had the State of Mississippi represented to the State of Louisiana, its Governor, Attorney General or any other constitutional officer thereof, that the State of Mississippi had any claim to the territory comprising said area or any part thereof;

(d) The desire on the part of the State of Mississippi to levy taxes in said area and to exercise civil and criminal jurisdiction and rights of sovereignty therein is insufficient to create an actual controversy of a justiciable nature between the two states;

(e) As shown by paragraph (9) of the contemplated bill of complaint, citizens of Louisiana claiming title under Louisiana law and citizens of Mississippi claiming title under Mississippi law have asserted conflicting ownership rights in and to the property comprising said area; however, the State of Louisiana represents and contends that disputes of that character between citizens of the two states do not constitute the jurisdiction to which Section 2 of Article III of the Constitution of the United States of America expressly contemplates and confers on this Honorable Court;

(f) No allegation is made in the motion to file bill of complaint or, indeed, in the contemplated bill of complaint itself that the State of Mississippi has levied taxes or attempted to levy taxes against the property which comprises the area aforesaid; and,

(g) No allegation is made in the motion to file bill of complaint or, indeed, in the bill of complaint itself that the State of Mississippi has exercised or undertaken to exercise any rights of sovereignty or jurisdiction in said area and, therefore, no basis is laid for the averment that the sovereignty of the State of Mississippi has been infringed by the State of Louisiana.

(2)

The State of Louisiana denies that the original jurisdiction of this Honorable Court to entertain the contemplated action is established under Section 2 of Article III of the Constitution of the United States of America, and further alleges that no actual controversy of a justiciable nature is set forth in and reflected by the contemplated bill of complaint.

(3)

The State of Louisiana has no knowledge concerning Senate Bill No. 522, allegedly enacted by the Legislature of the State of Mississippi at its 1952 Session.

(4)

For the reasons hereinabove shown, the State of Louisiana denies that it is necessary or appropriate for this Honorable Court to fix and establish the location of a portion of the boundary between the States of Mississippi and Louisiana.

(5)

The State of Louisiana is making this appearance for the sole and only purpose of answering the rule to show cause herein, and, if the said rule is made peremptory and leave to file bill of complaint is granted, the State of Louisiana reserves all rights to answer said bill of complaint and otherwise plead.

WHEREFORE, the State of Louisiana prays:

(1) That the foregoing answer to the rule to show cause be deemed sufficient and that it be relieved and discharged from responding further to said rule; and,

(2) That the leave sought by the State of Mississippi to file bill of complaint against the State of Louisiana be refused and denied.

Respectfully submitted,

THE STATE OF LOUISIANA

By: ROBERT F. KENNON,
Governor of the State of Louisiana

By: FRED S. LEBLANC,
Attorney General of the State of Louisiana

By: W. C. PERRAULT,
First Assistant Attorney General, State of Louisiana

By: CARROLL BUCK,
Second Assistant Attorney General, State of Louisiana

By: .....
John L. Madden,
Assistant Attorney General, State of Louisiana

Certificate

This is to certify that copies of the within answer to rule to show cause have been served upon counsel of record of the State of Mississippi.

WASHINGTON, D. C.
May —, 1953.

JOHN L. MADDEN,
Assistant Attorney General, State of Louisiana,
Of Counsel for the State of Louisiana.